Docket No. 0263-4045US3



pplicant(s): YAMAZAKI et al.

Group Art Unit:

1654

Serial No.:

10/674,446

Examiner:

Jeffrey E. RUSSEL

Filed:

September 29, 2003

For:

ERYTHROPOEITIN SOLUTION PREPARATION

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(C) TO OBVIATE PROVISIONAL DOUBLE PATENTING REJECTION

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Identity of Assignee

The petitioner, Chugai Seiyaku Kabushiki Kaisha, having a business address at 5-1 Ukima 5-Chome, Kita-ku, Tokyo, 115-0051, Japan is the owner of the entire right, title and interest in the above-identified application, Serial No. 10/674,446, by virtue of an assignment recorded on December 17, 1998, at Reel/Frame No(s) 9647/0722. The petitioner is also the owner of the entire, right, title and interest in U.S. Patent No. 6,120,761; 6,277,367; and 6,627,187.

Identification of Person(s) Making This Disclaimer

Name of disclaimant: Joseph D. Eng Jr.

Disclaimant represents that he is a Registered Patent Attorney, Registration No. 54,084, and an Attorney of Record for the above-identified application, and authorized to sign on behalf of the assignee identified above.

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Extent of Interest

The extent of assignee's interest is in the whole of this invention.

Statement Under 37 C.F.R. §3.73(b)

The undersigned Disclaimant has reviewed all the documents in the chain of title

of the patent application identified above and, to the best of his knowledge and belief, title is in

the assignee identified above.

Disclaimer

The petitioner, through its Attorney of Record, hereby disclaims, except as

provided below, the terminal part of the statutory term of any patent granted on the instant

application, which would extend beyond the expiration date of the full statutory term defined in

35 U.S.C. 154 to 156 and 173, of United States Patent No. 6,277,367. Petitioner hereby agrees

that any patent so granted on the instant application shall be enforceable only for and during such

period that it and United States Patent 6,277,367 are commonly owned. This agreement runs

with any patent granted on the instant application and is binding upon the grantee, its successors

or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of

any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,277,367, in the event

that U.S. Patent 6,277,367 expires for failure to pay a maintenance fee, is held unenforceable, is

found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or

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terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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<u>Fee Status</u>	
(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)	
\boxtimes	large entityfee \$130.00
	small entityfee \$65.00
Fee Payment	
	Attached is a check in the sum of \$.
\boxtimes	Charge Deposit Account <u>13-4500</u> , Order No. <u>0263-4045US3</u> any fee required by this paper.
<u>AUTHORIZATIONS:</u>	
	The Commissioner is hereby authorized to charge any additional fees which may
be required for timely consideration of this Terminal Disclaimer under 37 C.F.R. §§1.16 -§1.20	
or credit any overpayment to Deposit Account No. <u>13-4500</u> , Order No. <u>0263-4045US3</u> . A	
DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.	
	Respectfully submitted, MORGAN & FINNEGAN, L.L.P.
	: September 28, 2005 By: Joseph D. Eng Jr. Registration No. 54,084
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